

First Nations Studies 3722F / Political Science 3398F
First Nations Political and Legal Issues

Fall 2011

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Course Time: Tuesday, 9:30 – 12:30, UC 137
Office Hours: Tuesday, 1:00 – 2:30

Course Description

Political and legal issues are at the core of the colonial relationship between First Nations peoples and the Canadian nation-state. Central to these issues and this relationship, as many indigenous and non-indigenous scholars and activists have pointed out, are the notions of sovereignty and self-determination. Indigenous peoples throughout Canada, and the world for that matter, argue that self-determination is crucial to their survival and the regeneration and revitalization this entails. This course will thus explore the legal and political issues First Nations face through the matrix of issues, debates, discourses, histories, theories, practices and strategies that surround the relationship between indigenous self-determination and the Canadian settler-state. How is self-determination conceptualized, both by indigenous peoples and the wider settler population? Why is the assertion of self-determination so important for Aboriginal populations? What are the key political and legal issues, cases, and events related to these assertions? Why is the Canadian government so opposed to full and complete sovereignty for First Nations? What are the outcomes and everyday experiences of officially recognized and sanctioned processes of self-governance?

Beyond a critical understanding of the political and legal issues faced by First Nations populations today, students will also learn important group work and collective participation skills, as well as a honing of their critical thinking and writing capacities.

Prerequisites

First Nations Studies 2218F/G or 2901E; or Anthropology 2218F/G; or History 2201E, 2205E, 2207F/G, or 2209E; or Political Science 2103A/B, 2230E, 2234E, or the former 214F/G; or Law 5000; or Women's Studies 3360.

Note: Unless you have either the requisites for this course or written special permission from your Dean to enroll in it, you may be removed from this course and it will be deleted from your record. This decision may not be appealed. You will receive no adjustment to your fees in the event that you are dropped from a course for failing to have the necessary prerequisites.

Evaluation

Random Quizzes	15%
Group Case Study	25% (15% presentation, 10% final report)
Rolling Research	25% (2 report-backs 5 % and 10%, hard-copy 10%)
Final Exam	20%
Participation	<u>15%</u>
Total	100%

Random Quizzes

Every week we flip a coin to determine whether or not we have a very short quiz on the week's readings. There must be at least 3 and no more than 8 quizzes throughout the semester, with each worth an equal portion of the 15% allocated for them (so, for example, if there are only 3 for the entire semester they will each be worth 5% of your final mark).

Group Case Study

This will consist of a group effort, the purpose of which is to learn about, and in turn teach the rest of the class about, a particular prominent case in Canadian Aboriginal law. Throughout the semester your group will work together to uncover the origins of the case you have chosen, how the case developed, and what the ramifications of the decision were for broader political and legal issues facing First Nations communities. The mark will consist of two components. The first (worth 15%) will be a mark for the actual presentation while the second (worth 10%) will be a mark for a final report. A future handout will provide more detail about this assignment.

Rolling Research

For this assignment you will pick a topic or issue that you will then be reporting on to the class. This will consist of 2 report-backs and a final hard copy. The first report-back will introduce your topic or issue and what you have uncovered so far. The second will expand on the first, painting a deeper and more nuanced picture as well as making connections to other people's topics. What you hand in will essentially be an expanded hard-copy of your second report-back. More details to follow.

Final Exam

The final exam will evaluate your retention and understanding of key facts and concepts presented in lectures, readings, and films.

Participation

Most classes will include a group-generated discussion where each group will come up with questions to pose to the rest of the class. Your participation mark will reflect both this group work (how insightful the questions are and how much discussion they generate) as well as your individual participation throughout class (both in responding to these questions and throughout the rest of the class).

Policy on Late Assignments:

Late assignments will lose 2% per day (including weekends). If you are ill or have a legitimate excuse for not being able to hand an assignment in on time, you *must* come and speak with me. An alternate date will be agreed upon and a note confirming this date must be signed by the student to be held on file by the instructor.

Note: Western has a Policy on Accommodation for Medical Illness that can be found at <https://studentservices.uwo.ca/secure/index.cfm>.

Statement on Plagiarism:

Scholastic offences are taken seriously and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence, at the following Web site:

http://www.uwo.ca/univsec/handbook/appeals/scholastic_discipline_undergrad.pdf .

For exam information and other student services please visit the following web sites.

The Web site for Registrarial Services is <http://www.registrar.uwo.ca>. The Web site for Student Development Services, including First Nations Services is <http://www.sdc.uwo.ca>.

Use of Electronic Devices

All electronic devices (cellphones, blackberries, pagers, etc.) must be turned off during class. Laptops are permitted as long as they don't pose a disruption to class.

Required Reading:

The following book can be purchased in the bookstore. All other assigned readings can be found in the library on reserve or online.

Irlbacher-Fox, Stephanie 2009. *Finding Dahshaa: Self-Government, Social Suffering and Aboriginal Policy in Canada*. Vancouver: UBC Press.

Class Topics and Readings**September 13 – Introduction**

No Reading.

September 20 – The Politics of “Research”**Reading:**

Willow, Anna J. 2010. Cultivating Common Ground: Cultural Revitalization in Anishinaabe and Anthropological Discourse. *The American Indian Quarterly* 34(1):33-60.

September 27 – Indigenous Peoples and the State

Reading:

Barker, Adam J. 2009. The Contemporary Reality of Canadian Imperialism: Settler Colonialism and the Hybrid Colonial State. *The American Indian Quarterly*, 33(3). Pp. 325-351.

October 5 – Citizens Plus and Nonplussed

Reading:

Cairns, Alan C. 2000. *Citizens Plus: Aboriginal Peoples and the Canadian State*. Vancouver: UBC Press. Pp. 161-213.

Turner, Dale A. 2006. *This is Not a Peace Pipe: Towards a Critical Indigenous Philosophy*. Toronto: University of Toronto Press. Pp. 38-56.

October 12 – “When the Law is an Ass”

Movie: *Dancing Around the Table*

Harring, Sidney 1998. ‘A Condescension Lost on Those People’: The Six Nations’ Grand River Lands, Chapter 2 of *White Man's Law: Native People in Nineteenth-Century Canadian Jurisprudence*. Toronto: University of Toronto Press. (UWO E-book)

October 18 – Treaty Making/Faking/Breaking

Reading:

Venne, Sharon H. 2007. Treaties Made in Good Faith, in *Natives and Settlers Now and Then: Historical Issues and Current Perspectives on Treaties and Land Claims in Canada*, edited by Paul W. DePasquale. Edmonton: University of Alberta Press. Pp. 1-16.

October 25 – Self-Government/Self-Determination

Reading:

Finding Dahshaa, Pp. 1-89.

November 1 – Social Suffering and Self-Determination

Reading:

Finding Dahshaa, Pp. 90-175.

November 8 – Patriarchy and Self-Determination

Readings:

Chiste, Katherine Beaty 1994. “Aboriginal Women and Self-government: Challenging Leviathan.” *American Indian Culture and Research Journal* 18(3):19-43.

Silver, Jim 2007. Unearthing Resistance: Aboriginal Women in the Lord Selkirk Park Housing Developments. *The Canadian Centre for Policy Alternatives—Manitoba*. http://v4.policyalternatives.ca/sites/default/files/uploads/publications/Manitoba_Pubs/2007/Unearthing_Resistance.pdf

November 15 – “Rebellion of the Truth”

Movie: *Is the Crown at War with Us?*

Reading:

Alfred, Taiaiake 2009. *Wasáse*. Toronto: University of Toronto Press. Pp. 19-60.

November 22 – Resistance and Resurgence 1

Reading:

Alfred, Taiaiake 2009. *Wasáse*. Toronto: University of Toronto Press. Pp. 61-100.

November 29 – Resistance and Resurgence 2

Reading:

Corntassel, Jeff 2008. “Toward Sustainable Self-Determination: Rethinking the Contemporary Indigenous-Rights Discourse.” *Alternatives* 33:105-132. [28]

<http://www.corntassel.net/Sustainable.pdf>

December 6 – Course Conclusion

No Reading

*** Please note that this outline of weekly readings is not set in stone and could change as the course proceeds. However, you will be given ample notice if any changes are made.**